

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1729 OF 2006

Mukund Shankar Gharat & ors. ...Applicant

V/s

The State of Maharashtra

...Respondent.

Mr. R.D. Suryawanshi for the applicant.

Mr. Rajeshree M. Gadhvi, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 4th May, 2006

P.C.

1. Heard the learned Counsel for the applicant and
the learned APP for the State.

2. The applicants were arrested in connection with
C.R. No.I-27/2006 registered with Murbad Police
Station for the offence punishable under sections 147,
148, 149, 323, 326, 504, 506, 302 of the Indian Penal
Code.

3. It is alleged that a meeting was convened by the
applicant No.1 who is the Sarpanch of the
Grampanchayat, Ambegaon in order to consider the
problems of teachers. In the said meeting, there was
an altercation and dispute over certain issues and

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suddenly the meeting was disrupted and people started pelting stones against each other. The applicant No.1 went inside the house of applicant No.6 and brought a sword and gave one blow with the sword on the head of Madhukar Gharat who succumbed to the injury. Most of the persons who attended the said meeting were Anganewadi teachers or regular teachers and some of them were retired teachers.

4. So far as the applicant No.1 is concerned, there is material to show that he had inflicted a blow with sword on the head of Madhukar and as a result of the said blow, Madhukar died. Therefore, no case is made out by the applicant No.1 for grant of bail. His application for bail is therefore rejected.

5. So far as the applicant Nos. 2 to 6 are concerned the only allegation is that they had pelted stones. Some of the applicants have been injured in the incident. Looking at the nature of the allegations which are made against the applicant Nos. 2 to 6, in my view, this is a fit case for grant of bail. There is no material to indicate that the applicant Nos. 2 to 6 shared intention of the applicant No.1.

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6. After this order was passed, the learned Counsel for the applicants suddenly got up and submitted that he does not wish to press the application so far as applicant No.1 is concerned. The application of the applicant No.1 is, therefore, disposed of as not pressed.

7. So far as applicant Nos. 2 to 6 are concerned, they are released on bail in the sum of Rs 5000/- each with one or two sureties in the like amount each. They shall report to the concerned Police Station as and when they are called. They shall not tamper with the evidence or threaten any of the witnesses.

8. The trial court shall not be influenced by any observations made by this Court while deciding this application and the same may not be construed as an expression of opinion on the merits of the case. The trial court shall decide the case on its own merits and in accordance with law.

V.M. KANADE, J.